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9 Attorneys for the Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,

15 v.

16
17 ERICKA CHAVEZ,
18 Defendant.

} Case No. CR 06-00607 DLJ

} NOTICE OF RELATED CASE

19
20 The United States hereby gives notice that pursuant to Criminal Local Rule 8-1,
21 the Indictment filed on September 7, 2006, in the above-captioned case assigned to the
22 Honorable D. Lowell Jensen (copy is attached), is related to the Form 12 proceeding
23 initiated on January 11, 2007 out of the District of Arizona, Docket No. 03CR00176-002-
24 PHX-FJM, and transferred to the District of Northern California on August 23, 2007, in
25 the case captioned as follows assigned to the Honorable Martin J. Jenkins (a copy of
26 which is attached):

27 //

28 //

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 v.

4 ERICKA CHAVEZ,

5 Defendant.

} Case No. CR-07-00352 MJJ

} NOTICE OF RELATED CASE

6
7 These two cases are factually related. The Form 12 supervised release proceeding
8 in **CR 07-00352 MJJ** is based on the defendant's arrest in Oakland, California, on June
9 1, 2006, for committing the new federal offense as evidenced by a six-count Indictment
10 filed September 7, 2006 in the Northern District of California.

11 The Indictment filed in **CR-06-00607 DLJ** charges the defendant with a violation
12 of 21 U.S.C. § 846, in that she did knowingly and intentionally conspire to possess with
13 intent to distribute and to distribute a Schedule II controlled substance, namely, actual
14 methamphetamine arising from the same arrest in Oakland on June 1, 2006.

15 Government counsel and defendant's counsel, Scott Furstman, have negotiated a
16 tentative global resolution of both cases, subject to government counsel obtaining the
17 necessary office approvals, and defense counsel obtaining the approval of the defendant.

18 Given the pending resolution of both cases as part of one plea agreement, judicial
19 resources will be conserved if the cases are assigned to the same District Judge.

20 Respectfully submitted,

21 SCOTT N. SCHOOLS
22 United States Attorney

23
24 Dated: _____

25 /s/
26 KIMBERLY M. BRIGGS
27 Assistant United States Attorney
28

KEVIN V. RYAN (CASBN 118321)
United States Attorney

ORIGINAL
FILED

SEP - 7 2006

SEALED BY ORDER
OF THE COURT

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CR06-00607

DLJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERICKA CHAVEZ,
and
MIGUEL BARAJAS,

Defendants.

No.

VIOLATIONS: 21 U.S.C. § 841(a)(1) --
Possession With Intent To Distribute, and
Distribution Of, Methamphetamine and
Cocaine; 21 U.S.C. § 846 -- Conspiracy to
Possess With Intent to Distribute, and
Distribution Of, Methamphetamine and
Cocaine; 18 U.S.C. § 2, Aiding and Abetting

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 846)

From a time unknown to the grand jury, but no later than in or about August 2005, and
continuing until on or about August 24, 2005, in the Northern District of California, and
elsewhere, the defendants,

ERICKA CHAVEZ
and
MIGUEL BARAJAS,

INDICTMENT

1 did knowingly and intentionally conspire to possess with intent to distribute and to distribute, a
2 Schedule II controlled substance, namely, actual methamphetamine, in violation of Title 21,
3 United States Code, Sections 846 and 841(a)(1).

4
5 COUNT TWO: (21 U.S.C. § 841(a)(1))

6 On or about August 24, 2005, in the Northern District of California, the defendants,

7 ERICKA CHAVEZ
8 and
9 MIGUEL BARAJAS,

10 did knowingly and intentionally possess with intent to distribute a Schedule II controlled
11 substance, namely, approximately 2.3 grams of actual methamphetamine, in violation of Title 21,
12 United States Code, Section 841(a)(1), and Title 18 United States Code, Section 2.

13 COUNT THREE: (21 U.S.C. § 841(a)(1))

14 On or about September 20, 2005, in the Northern District of California, the defendant,

15 ERICKA CHAVEZ,

16 did knowingly and intentionally possess with intent to distribute, and did distribute, a Schedule II
17 controlled substance, namely, approximately 436.3 grams of actual methamphetamine, in
18 violation of Title 21, United States Code, Section 841(a)(1). *crystal*

19
20 COUNT FOUR: (21 U.S.C. § 846)

21 From a time unknown to the grand jury, but no later than in or about November 2005, and
22 continuing until on or about November 2, 2005, in the Northern District of California, and
23 elsewhere, the defendants,

24 ERICKA CHAVEZ
25 and
26 MIGUEL BARAJAS,

27 did knowingly and intentionally conspire to possess with intent to distribute, and to distribute, a
28 Schedule II controlled substance, namely, approximately 54.4 grams of cocaine, in violation of
Title 21, United States Code, Sections 846 and 841(a)(1).

INDICTMENT

COUNT FIVE: (21 U.S.C. § 841(a)(1))

On or about November 2, 2005, in the Northern District of California, the defendants,

ERICKA CHAVEZ
and
MIGUEL BARAJAS,

did knowingly and intentionally possess with intent to distribute, and did distribute, a Schedule II controlled substance, namely, approximately 54.4 grams of cocaine, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18 United States Code, Section 2.

COUNT SIX: (21 U.S.C. § 841(a)(1))

On or about December 6, 2005, in the Northern District of California, the defendant

ERICKA CHAVEZ,

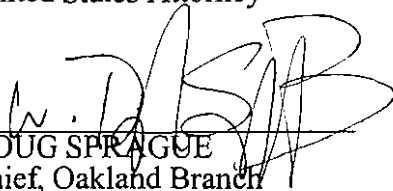
did knowingly and intentionally possess with intent to distribute, and did distribute, a Schedule II controlled substance, namely, approximately 138.2 grams of actual methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1).


DATED:

A TRUE BILL.

FOREPERSON

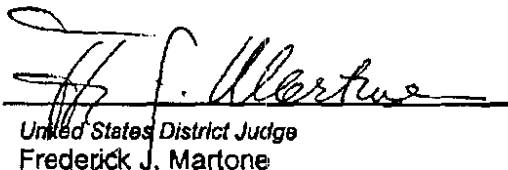
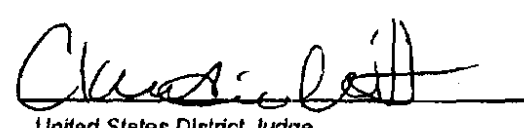
KEVIN V. RYAN
United States Attorney


DOUG SPRAGUE
Chief, Oakland Branch

(Approved as to form: )

AUSA BRIGGS

INDICTMENT

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) 03CR00176-002-PHX-FJM	
TRANSFER OF JURISDICTION		CRO7-00552	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: ERIKA CHAVEZ	DISTRICT District Of Arizona	DIVISION Phoenix	
	NAME OF SENTENCING JUDGE Frederick J. Martone		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM 06/17/07	TO 06/16/09
OFFENSE Conspiracy to Possess with Intent to Distribute Methamphetamine			
FILED AUG 23 2007 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>DISTRICT OF ARIZONA</u>			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Northern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<u>August 7, 2007</u> Date		 United States District Judge Frederick J. Martone	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>Northern District of California</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<u>AUG 22 2007</u> Effective Date		 United States District Judge	

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P. Prob12.htm
(Rev. 12/04)

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UNITED STATES DISTRICT COURT JAN 11 2007

for
DISTRICT OF ARIZONA

FILED	LODGED
RECEIVED	COPY
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

United States v. Erika CHAVEZ

Docket No. 03CR00176-002-PHX-FJM

Petition to Revoke Supervised Release

T- SEALED

COMES NOW PROBATION OFFICER Alicia R. Pineda presenting an official report on Erika CHAVEZ who was committed to the Bureau of Prisons May 3, 2004, by the Honorable Frederick J. Martone presiding in the District Court of Arizona. A 60-month period of supervised release was imposed, and supervision commenced upon the offender's discharge from imprisonment June 17, 2004. In addition to the general terms and conditions adopted by the court, the offender was ordered to comply with the following special conditions:

1. If deported, you shall not re-enter the United States without legal authorization.

Erika CHAVEZ was convicted of Conspiracy to Possess with Intent to Distribute Methamphetamine, a violation of 21 USC §846 and 841(a)(1) and (b)(1)(A)(vii), a Class A felony.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Allegation A. Violation of Standard Condition No. 1: You shall not commit another federal, state or local crime during the term of supervision.

On or about August 24, 2005, Chavez committed the new federal offenses of Count one: Conspiracy to Possess with Intent to Distribute and Distribution of Methamphetamine, a violation of 21 USC §846; Count two: Possession with Intent to Distribute Methamphetamine, Aiding and Abetting, a violation of 21 USC §841(a)(1); Count three: Possession with Intent to Distribute and Distribution of Methamphetamine, a violation 21 USC §841(a)(1); Count four: Conspiracy to Possess with Intent to Distribute and Distribution of Cocaine, a violation of 21 USC §846; Count five: Possession with Intent to Distribute and Distribution of Cocaine, Aiding and Abetting, a violation of 21 USC §841(a)(1); and Count six: Possession with Intent to Distribute and Distribution of Methamphetamine, a violation of 21 USC §841(a)(1). All offenses are felonies. This was evidenced by a six-count indictment filed September 7, 2006, in the U.S. District Court, Northern District of California, Oakland, case no. 06CR00807-DLJ. A change of plea was scheduled for January 17, 2007. Grade A Violation, §7B1.1(a)(1).

Allegation B. Violation of Special Condition No.1: If deported, you shall not re-enter the United States without legal authorization.

On or about September 14, 2006, Chavez entered the United States without legal authorization. This was evidenced by her September 14, 2006 arrest by the Drug Enforcement Administration in San Jose, California. This arrest was subsequent to her July 1, 2004 deportation. Grade C Violation, §7B1.1(a)(3).

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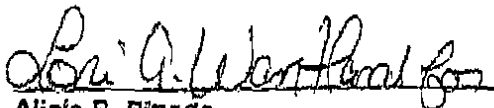
U.S.A. v. Erika CHAVEZ

Docket No. 03CR00176-002-PHX-FJM

January 8, 2007

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.



Alicia R. Pineda,
U.S. Probation Officer

Date

1/8/07

Reviewed by



Lori A. Wantland
Supervisory U.S. Probation Officer

Date

1/8/07

Reviewed by



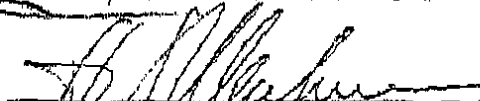
Steven P. Logan
Assistant U.S. Attorney

Date

1/10/07

ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 11 day of Jan, 2007 and ordered filed and made a part of the records in the above case.

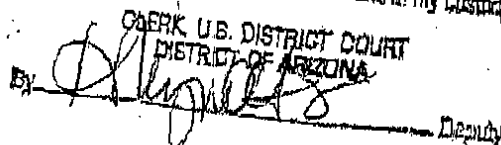


The Honorable Frederick J. Martone,
U.S. District Judge

Defense Counsel:

Sean H. Bruner
Post Office Box 591
Tucson, Arizona 85702

I hereby attest and certify on 1/11/07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA
By  Deputy

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AO 442 (Rev. 5/85-AZ) Warrant for Arrest

1217582

United States District Court
District of Arizona

UNITED STATES OF AMERICA

WARRANT FOR ARREST

vs.

ERIKA CHAVEZ

CASE NUMBER: CR 03-176-02-PHX-FIM

To: The United States Marshal and any Authorized United States Officer or authorized representative:

YOU ARE HEREBY COMMANDED TO ARREST ERIKA CHAVEZ.

and bring him or her forthwith to the nearest magistrate to answer a(n):

() Petition to Revoke Probation (X) Petition to Revoke Supervised Release

RICHARD H. WEARE

Name of Issuing Officer

District Court Executive/Clerk of Court

Title of Issuing Officer

By Deputy Clerk

January 11, 2007 Phoenix, Arizona

Date and Location

Bail fixed at \$

by

RETURN			RECEIVED U.S. MARSHAL SERVICE JAN 11 2007 PHOENIX
This warrant was received and executed with the arrest of the above-named defendant at:			
Date Received 1-11-07	Name and Title of Arresting Officer	Signature of Arresting Officer	
Date of Arrest			